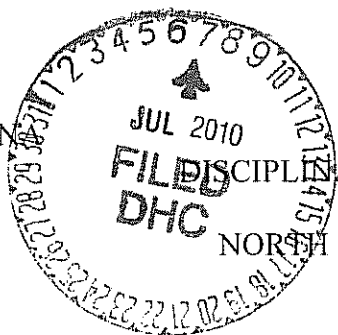


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
10 DHC 23

THE NORTH CAROLINA STATE BAR )  
)  
Plaintiff, )  
)  
v. )  
)  
L. PATTEN MASON, Attorney, )  
)  
Defendant. )

**ANSWER**

The Defendant answering the Complaint of the Plaintiff heretofore filed in this matter alleges and says:

**FIRST DEFENSE**

That the Complaint fails to state a claim upon which the relief sought may be granted and should be dismissed under Rule 12(b)(6) of the Rules of Civil Procedure.

**SECOND DEFENSE**

1. That the allegations of paragraph 1 of the Complaint are admitted.
2. That the allegations of paragraph 2 of the Complaint are admitted.
3. That the allegations of paragraph 3 of the Complaint are admitted.
4. That the allegations of paragraph 4 of the Complaint are not denied and the Defendant still represents Alex Willis, Sr. in connection with an ongoing lawsuit.
5. The Defendant is not permitted to respond to paragraph 5 of the Complaint due to attorney client privilege.
6. The Defendant is unable to respond to paragraph 6 of the Complaint because of the attorney client privilege, which existed in the 2004 lawsuit and continues to exist in the 2008 lawsuit.
7. The allegations of paragraph 7 of the Complaint are denied.

8. The Defendant is unable to respond to the allegations of paragraph 8 of the Complaint because of the attorney client privilege.
9. The Defendant is unable to respond to the allegations in paragraph 9 of the Complaint because of the attorney client privilege.
10. Answering paragraph 10 of the Complaint, the Plaintiff states that the deeds are public record and speak for themselves.
11. The Defendant is unable to respond to the allegations in paragraph 11 of the Complaint because of the attorney client privilege.
12. On information and belief Defendant admits the allegations of paragraph 12 of the Complaint.
13. The Defendant is unable to respond to the allegations of paragraph 13 of the Complaint due to the attorney client privilege.
14. Answering paragraph 14 of the Complaint, it is admitted that there are twenty dollars (\$20.00) in revenue stamps on the deed recorded January 2007. The remaining allegations of paragraph 14 of the Complaint are denied.
15. Answering paragraph 15 of the Complaint, the Defendant is unable to answer due to the attorney client privilege.
16. The allegations of paragraph 16 of the Complaint are denied upon information and belief.
17. Answering paragraph 17 of the Complaint, it is admitted that paragraph 17 of the Complaint sets out a portion but not all of N.C.G.S. 39-23.4 (a).
18. The Defendant is unable to answer the allegations of paragraph 18 of the Complaint due to the attorney client privilege.
19. Answering paragraph 19 of the Complaint, it is admitted that the case was settled and a settlement agreement was signed; however, the settlement agreement has a requirement for confidentiality and therefore, Defendant cannot disclose the settlement agreement, despite the fact that he would very much like to do so.
20. Answering paragraph 20 of the Complaint, it is admitted that Defendant discussed with Gregory's attorneys Willis, Sr.'s ability to pay a settlement amount but not necessarily his ability to pay a judgment.
21. The allegations in paragraph 21 of the Complaint are denied.

22. The allegations in paragraph 22 of the Complaint are denied.
23. The Defendant knew because of the public record that some property had been conveyed; however, he did not know the extent of any other property that Willis, Sr. might own, except as herein admitted the allegations of paragraph 23 of the Complaint are denied.
24. The allegations of paragraph 24 of the Complaint are denied. The true facts being Gregory Willis in Carteret County case number 08 CVS 541 paragraph number 17(d) of his Complaint states "...in the negotiations regarding the settlement of ...(04 CVS 711)...the Defendant Alex V. Willis, Sr. represented to the Plaintiff that he had no significant property from which a judgment could be satisfied thereby persuading the Plaintiff to resolve his civil claim...".
25. Answering paragraph 25 of the Complaint, the Defendant is unable to respond because of the confidential nature of the settlement agreement.
26. Answering paragraph 26 of the Complaint, it appears from the public record that a Confession of Judgment against Willis, Sr. has been filed for one hundred twenty thousand dollars (\$120,000.00); however, Defendant is unable to respond to the other allegations in paragraph 26 of the Complaint because of the attorney client privilege.
27. Further answering paragraph 26 of the Complaint, it is admitted that the confession of judgment is a matter of public record; therefore, it is admitted that Gregory Willis is a judgment creditor of Willis, Sr.
28. Answering the allegations in paragraph 27 of the Complaint, this Defendant says that the conveyances were matters of public record which were available in the Register of Deeds office of Carteret County and had been on record since December of 2006 and January of 2007. This Defendant is without knowledge as to when Gregory and his attorneys learned of the public transfers by deed. The remaining allegations of paragraph 27 of the Complaint are denied.
29. Answering paragraph 28 of the Complaint, it is admitted that there was a second suit brought in 2008.
30. Answering paragraph 29 and 30 of the Complaint, it is admitted that the Court entered an Order in April of 2009 to set aside the conveyances in December of 2006 and January of 2007.

**AS A FURTHER ANSWER AND DEFENSE**

31. Defendant is not aware of any attempt by Gregory to issue execution to the Sheriff of Carteret County to collect on the Confessed Judgment and therefore, denies that there are insufficient assets to collect on the same.
32. There is a written settlement agreement where the terms set out contradict the allegations of this Complaint, but it is confidential and Defendant cannot reveal because of said confidentiality and the attorney client privilege.

WHEREFORE THE Defendant having fully answered the complaint heretofore filed in this matter prays that the action against him be dismissed.

This 6 day of July, 2010.

CULBRETH LAW FIRM, LLP

BY:

  
STEPHEN E. CULBRETH

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CERTIFICATE OF SERVICE

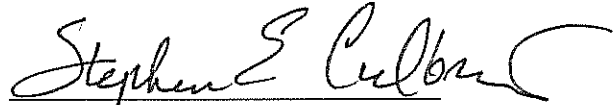
This is to certify that the foregoing has been served by mailing a copy thereof, by first class mail, postage prepaid, to the other parties to this action, addressed as follows:

Carmen Hoyme Bannon, Deputy Counsel  
State Bar #33998  
Attorney for Plaintiff  
The North Carolina State Bar  
P.O. Box 25908  
Raleigh, NC 27611

This 6<sup>th</sup> day of July, 2010.

CULBRETH LAW FIRM, LLP

BY:



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